

Charter Amendment To Be Proposed By County Commission

The voters of Shelby County, Tennessee ratified the Shelby County Charter on August 2, 1984 and, as a result, Shelby County became a charter form of government effective September 1, 1986. Because the 1984 County Charter

Commission recognized that the offices of the Sheriff, Trustee, Register, County Clerk, and Assessor were firmly embodied in the Tennessee Constitution, these offices were not "recreated" under the Shelby County Charter. Further, the Charter Commission sought to comply with the state enabling legislation that authorizes counties to adopt a charter form of government wherein "the duties of the constitutional county officers [mayor, legislative body, sheriff, trustee, register, county clerk, and assessor] as prescribed by the general assembly shall not be diminished." On January 12, 2007, the Tennessee Supreme Court held that where a county adopts a charter form of government, the charter document must provide for, or otherwise assign the duties and functions of, the offices of the constitutional county officers.

On January 26, 2007, the Shelby County Attorney's Office issued an opinion to the County Mayor recommending that an amendment to the Shelby County Charter be proposed at this time to cure any potential deficiencies similar to those found in the Knox County Charter by the Tennessee Supreme Court. Essentially, an amendment should be proposed that either specifically provides for the elected offices of, and assigns the duties and functions to, the Sheriff, Trustee, Register, County Clerk, and Assessor; or provides for newly titled appointed administrative offices to carry out the duties and functions of these offices; or provides for a combination of these two options. Thereafter, the amendment must be submitted to the voters of Shelby County at the next election allowed by the state election laws.

After advising the County Mayor and explaining the potential impact of the Knox County decision to the effected officers, the Shelby County Attorney's Office briefed the Shelby County Board of Commissioners on the charter amendment options during a January 31, 2007 public meeting. The Board of Commissioners immediately took action to become informed on this issue so as to be in the best position possible in proposing an amendment to the Shelby County Charter. First, the Board of Commissioners held a retreat on April 20, 2007. During that retreat, employees of Shelby County from the areas of finance, legislation, and law made presentations. A member of the 1984 County Charter Commission and a representative from County Technical Assistance Service were also present. Next, the Board of Commissioners created an ad hoc committee ([Ad Hoc Committee on Shelby County Charter Amendments](#)) for the purpose of receiving and analyzing additional information relative to the financial implications that may result from each amendment option, the effect each amendment option would have on the entire charter, and the time constraints faced when proposing a voter referendum.

The ad hoc committee will hold regular open meetings until such time as the committee has sufficient information to prepare a report that, when submitted to the full Board of Commissioners, will allow the Commissioners to determine which amendment option should be proposed and submitted to the voters of Shelby County. For a discussion of the operations of the ad hoc committee and the need for public participation see [Chairman's Letter](#). A Schedule of Meetings and Transcripts from past meetings are also available. Additional information is available through [Links](#), including the full [Knox County Opinion](#) and the [County Attorney's Opinion](#) discussed above. [Citizen Comments](#) are welcome.